

APPEAL NO. 021489
FILED JULY 16, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 14, 2002. The hearing officer determined that the appellant (claimant) had not sustained a compensable injury on _____; that the claimant had not timely reported her alleged injury to the employer; and that, because there was no compensable injury, the claimant did not have disability.

The claimant appealed, reiterating some of her testimony that she had been injured, had timely reported the injury but had been ignored, and that she has had disability. The respondent (carrier) responds, urging affirmance

DECISION

Affirmed.

The claimant, a retail store cashier, testified that on _____, she injured her back and upper shoulders lifting a 50-pound bag of potting soil and had reported her injury to two managers the same day and on _____. Most of the testimony is disputed and contradicted. There were statements which supported and contradicted the claimant's testimony including a review of the cash register tapes which showed the claimant had not scanned any bags of potting soil on the day in question.

In any event it is the hearing officer who is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was acting within his province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBERT PARNELL
8144 WALNUT HILL LANE
SUITE 1600
DALLAS, TEXAS 75231-4813.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge